

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EARL THURMAN,)	
)	
Plaintiff,)	
)	Civil Action No. 20-1929
v.)	Judge Nora Barry Fischer
)	Magistrate Judge Patricia L. Dodge
MICHAEL ZAKEN, et al.)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 13th day of June, upon consideration of the Court's Order of March 1, 2022, [36] adopting the Report and Recommendation of United States Magistrate Judge Patricia L. Dodge dated January 28, 2022, [35], granting Defendants Michael Zaken and Mr. Buzas' Motion to Dismiss [24] Plaintiff Earl Thurman's Complaint [10] and dismissing his Fourteenth Amendment claims, with prejudice, his Eighth Amendment claims as to COVID, without prejudice, and otherwise, with prejudice, and his First Amendment retaliation claims, without prejudice, and directing that an Amended Complaint be filed by April 1, 2022, which was later extended by the Magistrate Judge to May 9, 2022 after he was transferred to another detention facility, and the subsequent Report and Recommendation filed by the Magistrate Judge on May 20, 2022 [39] noting that Plaintiff had failed to timely file an Amended Complaint by the extended deadline and recommending that the remaining claims be dismissed for failure to prosecute after weighing the relevant factors under *Poulis v. State Farm Fire & Casualty Co.*, 747 F.2d 863 (3d Cir. 1984), as well as directing any objections to be filed within 14 days, and no objections having been filed as of the date of this Order, and upon independent review of the record and consideration of the Magistrate Judge's Report and Recommendation of May 20, 2022, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff's remaining claims are DISMISSED, with prejudice, for failure to prosecute, in light of the facts and circumstances of this case and the relevant factors under *Poulis* set forth by the Magistrate Judge which are further buttressed by Plaintiff's failure to respond to the Report and Recommendation of May 20, 2022 as of the date of this Order;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Nora Barry Fischer

Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: United States Magistrate Judge Patricia L. Dodge

All counsel of record.

cc: EARL THURMAN
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